
Book Review: Courts and the Media

By Philip Langbroek

Pamela D. Schulz, *Courts and Judges on Trial, Analysing and Managing the Discourses of Disapproval*. ISBN 978-3-643-10621-6 Lit Verlag, dr. W. Hopf, Berlin 2010, <http://www.lit-verlag.de> 29.90 EUR

Pamela Schulz, lecturer at the School of Communication at the University of South Australia, Adelaide, has written a must-read book for leading judges and court managers. She analyses the manner in which the media, the general public and politicians interact with and respond to courts and judges vis-à-vis case processing and adjudication. She analyzes these interactions from the perspective of this as a form of external media control in which we all are unwitting participants, creating a separate 'virtual' reality. The internet and its hordes of bloggers, each with his or her own prescriptive value scheme, adds a new dimension to this collective surveillance of justice. Schultz shows how public opinion may be influenced by this interaction, how media influence politicians, how politicians respond by participating in the 'discourses of disapproval and disrespect' concerning courts and judges, seemingly unaware of the differences between media, politics and the judiciary. Where it is a basic function of the judiciary to follow real time proceedings and craft carefully balanced judgments, media engage in a time-driven competitive frenzy that results in rapid and often superficial framing of court cases. This, in turn, provides cheap fodder for politicians as they create sound bites to criticize the justice system in contrived and shallow attacks. Eventually, less-astute politicians seek to publicly position themselves in a paternal role where they seek to appear more powerful than the law by constantly second-guessing court judgments.

She notices 'discursive' barriers between media & the general public, politicians and the courts. Politicians showing both how carefully they deal with the vulnerabilities of the justice system and showing off how tough they can be on crime, also considering the flaws of justice.

I recall a major case in the Netherlands where a little girl, Savannah, was maltreated by her parents and eventually died, creating a media firestorm that accused youth care authorities of malpractice. The youth care guardian of Savannah was prosecuted for neglect, and the minister of justice engaged into a major reorganization of youth care organizations. As a result, youth care authorities became much less reluctant to intervene in families with defaulting or mentally retarded parents. So when baby Hendricus was born, about a year after the media firestorm, the same television station and journalists of SBS 6 ran a series of reports charging youth-care authorities with excessive intervention by taking Hendricus away from his mentally retarded parents. This example suggests that the media are more focused on drawing viewers than about taking consistent positions on important public-interest issues and concerns. Clearly, there is a strong alliance between those aspiring to a public 'watch dog' role as media representatives and politicians using those media to enhance their position.

Although this analysis is based on anglo saxon media and interviews with Australian politicians, it is transferrable to almost any European country with a dominant populist press and populist political movement – like, for instance France, the Netherlands, Denmark, Belgium.

The judiciary, by nature, has limited possibilities to deal with this difficult position. Courts and judges take their roles as guardians of justice very seriously, and this entails exercising great reluctance in dealing with media attacks in concrete cases. In Europe, publicly discussing judgments of colleagues is considered not only undesirable but in violation of certain rules of judicial conduct. Judicial promotions have been blocked because of this. Such reluctance does not enhance judiciaries' reputation with the media, but it is absolutely necessary. Pamela Schulz states that courts and judges are being colonized by media and politicians.

Apart from a convincing analysis of media – politics- court relations, Pamela Schultz offers readers tools to analyze and manage their own public relations. This is about communication plans, judicial spokespersons, court outreach programs, community education, cameras in courts, but above all, it is about analyzing discourse patterns and addressing them. Courts and judges can be players in a society with incessant media attention for almost every aspect of life, but they need to learn how to play. Schultz gives them some tools on how to do just that.

